

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Gregory D. Caruth**

**Docket No. 5:09-CR-75-1H**

**Petition for Action on Supervised Release**

COMES NOW Henry Ponton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gregory D. Caruth, who, upon an earlier plea of guilty to Interference With Commerce by Threats or Violence and Aiding and Abetting in violation of 18 U.S.C. §§ 1951 and 2 and Possession of a Firearm During and in Relation to a Crime of Violence and Aiding, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on October 13, 2009, to the custody of the Bureau of Prisons for a term of 114 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Gregory D. Caruth was released from custody on August 05, 2016, at which time the term of supervised release commenced. On April 3, 2017, a violation report was submitted to the court advising that the defendant tested positive for marijuana on March 10, 2017, and was in default on his payment agreement. The court agreed to take no action to allow the defendant an opportunity to comply with his conditions of supervision.

On May 22, 2017, a petition for action on supervised release was submitting to the court advising that the defendant tested positive for marijuana on May 10, 2017, and subsequently signed an admission form. It was requested that his conditions of supervision be modified to include a three day period of confinement with the Bureau of Prisons. Your Honor agreed with the requested modification.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 25, 2017, the defendant reported to the probation office as requested to provide a urinalysis sample. At that time, the defendant admitted that his sample would be positive for marijuana and signed an admission form for use of marijuana on or about October 21, 2017. The sample was confirmed positive for marijuana by Alere Laboratories on October 29, 2017. The defendant remains in individual substance abuse treatment at Integrated Behavioral Health Services in Fayetteville, North Carolina. He is also on a Green testing schedule in the surprise random urinalysis testing program.

Additionally, the defendant remains in default on his court ordered restitution. The court ordered that the defendant begin making \$50 monthly payments on his restitution 60 days after his release from custody. Since his release, the defendant has made one payment of \$50.00 towards this obligation on December 1, 2016. He continues to have an outstanding restitution balance of \$175.00.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 20 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

**Gregory D. Caruth**  
**Docket No. 5:09-CR-75-1H**  
**Petition For Action**  
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Reviewed and approved,

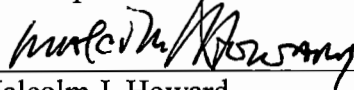
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
Supervising U.S. Probation Officer

/s/ Henry Ponton  
Henry Ponton  
U.S. Probation Officer  
150 Rowan Street Suite 110  
Fayetteville, NC 28301  
Phone: 910-354-2536  
Executed On: November 01, 2017

**ORDER OF THE COURT**

Considered and ordered this 2nd day of November 2017, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge